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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO WHEELER, *et al.*,

Plaintiffs,

v.

ASTRAL HOTELS LAS VEGAS, INC., *et al.*,

Defendants.

Case No. 2:24-cv-00564-JAD-NJK

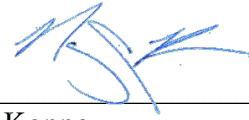
REPORT & RECOMMENDATION

14 On August 22, 2024, the Court ordered Plaintiff Antonio Wheeler to show cause in writing
15 why the underlying case should not be dismissed for lack of subject matter jurisdiction. Docket
16 No. 18. Plaintiff failed to do so. The Court expressly warned “**FAILURE TO COMPLY WITH**
17 **THIS ORDER MAY RESULT IN DISMISSAL OF THIS CASE.**” *Id.* (emphasis added). To
18 date, Plaintiff has failed to comply with that order.

19 Plaintiff has disobeyed the Federal Rules of Civil Procedure and the Court’s orders
20 requiring that the Court has a duty to ensure it has subject matter jurisdiction over the dispute
21 before it. Plaintiff’s failure to establish subject matter jurisdiction and his disobedience of the
22 Court’s orders are abusive litigation practices that have interfered with the Court’s ability to hear
23 this case, delated litigation, disrupted the Court’s timely management of its docket, wasted judicial
24 resources, and threatened the integrity of the Court’s orders and the orderly administration of
25 justice. Sanctions less drastic than dismissal are unavailable because Plaintiff has refused to
26 comply with the orders of this Court notwithstanding the warning that case-dispositive sanctions
27 may be imposed.
28

1 Accordingly, in light of the circumstances outline above, the undersigned
2 **RECOMMENDS** that this case be **DISMISSED** without prejudice.

3 Dated: September 23, 2024



4
5 Nancy J. Koppe
United States Magistrate Judge

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7 **NOTICE**

8 This report and recommendation is submitted to the United States District Judge assigned
9 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
10 recommendation must file a written objection supported by points and authorities within fourteen
11 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a
12 timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d
13 1153, 1157 (9th Cir. 1991).
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